

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

RICHARD PALMERO
40 Winnebago
Yonkers, NY 10710

Plaintiff

COMPLAINT

vs.

METRO-NORTH COMMUTER RAILROAD
347 Madison Avenue
New York, NY 10017

PLAINTIFF DEMANDS
TRIAL BY JURY

Civil Action No.: _____

Defendant.

NOW COMES the Plaintiff, RICHARD PALMERO, by and through his attorneys, THE LAW OFFICES OF KANTOR & GODWIN, PLLC, for his Complaint against the Defendant, METRO-NORTH COMMUTER RAILROAD, herein alleges:

1. That this action is being brought against the Defendant, METRO-NORTH COMMUTER RAILROAD. (hereinafter "METRO-NORTH") pursuant to the provisions of the Federal Employer's Liability Act, Title 45 USC § 51, et seq. and that the amount in controversy exclusive of interest, exceeds \$75,000
2. That at all times hereinafter, the Plaintiff, RICHARD PALMERO, was and is a resident of the City of Yonkers, County of Westchester, and State of New York.
3. That at all times hereinafter mentioned, the Defendant, METRO-NORTH was and still is a public benefit corporation duly organized, created and existing under the laws of the State of New York, authorized to do business in the State of New York, and a common carrier in interstate transportation and commerce by railroad.

4. The Defendant, METRO-NORTH, has tracks, operates trains, and does business within the the State of New York and maintains a principle place of business within the County of New York and State of New York with offices located at 347 Madison Avenue New York, N.Y. 10017.

5. That at all times hereinafter mentioned, the Plaintiff, RICHARD PALMERO, herein is a employee of the Defendant, METRO-NORTH as that term is defined under Section 45 U.S.C. §51, et seq. and as such, is a conductor for the Defendant and is engaged by the Defendant to perform duties in the furtherance of its business interests and movement of freight in interstate and foreign commerce by Defendant, railroad, METRO-NORTH.

6. That this Court has proper jurisdiction as established by 45 U.S.C. §56 and 28 U.S.C. §1331.

7. That on or about the 28th day of April, 2005, the Plaintiff, RICHARD PALMERO was assigned to work out of New York, New York in furtherance of Defendant, METRO-NORTH'S business in interstate commerce when he sustained injuries as a result of Defendant, METRO-NORTH's negligence.

8. That as a result of the negligence of the Defendant, METRO-NORTH, its agents, servants, employees with respect to the negligent and careless operation of its business with respect to the failure of the Defendant to properly provide Plaintiff with a safe place to work pursuant to the Federal Employers' Liability Act, 45 U.S.C. §51, et seq. and the federal and state rules and regulations promulgated thereunder; failure of Defendant to properly warn Plaintiff of the possible and potential hazards to his health; the failure of the Defendant to inspect and maintain its equipment and property in a proper and safe manner; the failure of the Defendant to properly operate the job and in general reckless, careless and negligent manner in which the Defendant and its agents carried on its business, Plaintiff was caused to suffer serious and

permanent injuries while employed by the Defendant, METRO-NORTH, on or about the 28th day of April, 2005.

9. That as a result of the Defendant, METRO-NORTH's negligence, the Plaintiff was caused to suffer severe, permanent, personal and painful physical and emotional injuries, mental anguish, embarrassment, humiliation, disability, denial of social pleasure and enjoyment of life, change of lifestyle, and has and will be caused to lose time from his railroad employment and will incur expenses and suffer additional damages into the future.

10. That the Plaintiff, RICHARD PALMERO demands a trial by jury on all issues.

WHEREFORE, the Plaintiff, RICHARD PALMERO, demands a money judgment against the Defendant, METRO-NORTH COMMUTER RAILROAD for whatever amount said Plaintiff is found to be entitled to, together with the costs and disbursements of this action.

Dated: December 12, 2007
Williamsville, New York

Respectfully submitted,


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